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SUBJECT: MIGRATION ISSUES: EU INTERIOR MINISTERS REACH KEY AGREEMENTS ON ASYLUM PROCEDURES

REF: USEU BRUSSELS 742

SUMMARY

[¶](#)11. At the March 30 Justice and Home Affairs (JHA) Council meeting, EU ministers reached political agreement on the so-called "Qualification Directive" that sets out the eligibility criteria for both refugee status and subsidiary protection in the EU and the entitlements of those persons who qualify for that protection, a key element in building a common EU asylum policy. They also made progress on establishment of an EU Border Management Agency to increase operational cooperation between Schengen country border services, as well as Ireland and the UK. END SUMMARY.

QUALIFICATION DIRECTIVE

[¶](#)12. The Council reached a political agreement (subject to formalization of the text) on the Directive setting minimum standards for the qualification and status of third-country nationals and stateless persons as refugees or as persons who otherwise need international protection (REFTEL). In Mc Dowell's words, the so-called "Qualification Directive" sets out the eligibility criteria for both refugee status and subsidiary protection in the EU and the entitlements of those persons who qualify for that protection. The form of refugee protection envisaged is essentially the same as provided for in the 1951 Geneva Convention. The subsidiary protection provision in the Directive is based on the protection principles set out in international Human Rights instruments such as the European Convention on Human Rights and the UN Convention Against Torture.

[¶](#)13. Mc Dowell and JHA Commissioner Vitorino hailed the accord as a key achievement in development of an EU asylum policy. According to Mc Dowell, added to other instruments already adopted (Dublin II Regulation, EURODAC Regulation, Temporary Protection Directive, European Refugee Fund, Reception Standards Directive), the new piece will equip the EU with "an important body of legislative instruments which will offer protection to refugees and others in need of protection, assist in reducing secondary movements of asylum seekers between our States and help to build confidence in our individual asylum systems."

MINIMUM STANDARDS ON PROCEDURES FOR GRANTING AND WITHDRAWING REFUGEE STATUS

[¶](#)14. Mc Dowell said the "missing piece of the asylum jigsaw" was the draft Directive on minimum standards on procedures in member states for granting and withdrawing refugee status (REF C). Mc Dowell reported progress on some questions,